

DATE: November 9, 2022  
LOCATION: Town Hall 2<sup>nd</sup> Floor Auditorium located at 139 Main Street, Rowley  
TIME: 7:00pm

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**Members Present**

Chris Thornton (Chairman), David Jaquith (Vice President,) Kevin Moriarty (Member), Jena Haag (Member) and Kirk Baker (Town Planner) were present.

John Urbaczewski (Member) was absent.

Meeting was called to order at 7:00 p.m.

**New Public Hearing**

Special Permit/Site Plan Approval/Farma Gardens, LLC/Thomas G. Summit/Outdoor Marijuana Cultivation

Thornton read the legal notice. A motion to open public hearing made by Thornton and seconded by Jaquith. All voted in favor (4-0). Atty. Jim Volariani was present on behalf of the applicant, Thomas Summit of 118 Central Street. Mr. Summit he stated is out our town but is listening via phone. He notes that Mr. Summit is pursuing his license from the CCC. Volariani described the property, setbacks, fencing, security and full details of the project. He described the building to be constructed in place of the garage to be removed, water via his well, the canopies to be erected and he answered various questions from the Board. There was comment from a resident living at 15 Bennett Hill Road and the Board shared the plan with him and answered additional questions. The Board noted they want to schedule a site visit.

Motion to continue the hearing to December 14, 2022 made by Thornton and seconded by Moriarty. All voted in favor (4-0).

**New Public Hearing**

Daniel Boisvert/28 Ocean Avenue/Construct Accessory Building Larger than 1,500 Square Feet Floor Area

Thornton read the legal notice. Thornton made a motion to open the public hearing and Jaquith seconded. All voted in favor (4-0).

Applicant Boisvert was present to summarize the plan. He will demo the accessory building (garage, 700 sq. ft., 25 x 28) on site now to replace with an 1,800 sq ft. (50 x 36) building, 300 ft. over ordinance allowance. Building height not including cupola is 30 ft. The Board asked questions regarding the property, wetland distance and other dwelling proximities to name a few. The purpose of the building is to store his autos and a workshop for hobbies and projects with cold storage on the second floor. Jaquith is from the neighborhood and is in favor of the project. Mr. Boisvert noted he discussed with the Conservation Commission. No neighbors were present for comment or questions.

Jaquith made a motion to close the public hearing and Haag seconded the motion. All voted in favor (4-0). Motion by Jaquith to approve the petition as presented and seconded by Haag. All voted in favor (4-0).

### **New Public Hearing**

Special Permit/Site Plan Review/Ruby Holdings, LLC/1000 Haverhill St./Construct Two Self-Storage Buildings with New Dimensions than were Permitted Originally on January 21, 1999

Thornton read the legal notice. Moriarty has recused himself from the hearing as an abutter.

Motion to open the public hearing made by Thornton and seconded by Haag. All voted in favor (3-0). Applicant looking to amend the site plan approval to adjust the size of already approved structures. Tony Capachetti, the project engineer, was present to describe project and stated applicant wants to expand buildings from 20 feet to 30 feet wide. Discussion pursued on the existing drainage system, catch basins and gradings. Per Thornton, he will ask John Morin to review the plan (Morin had reviewed it originally in 1999). The Board discussed what they want Morin to review and have him explain to the Board in a letter. No residents were present for comment.

Thornton made a motion to continue hearing to the December 14, 2022 meeting and seconded by Haag. All voted in favor (4-0). Moriarty returned to the Board.

### **Continued Public Hearing**

Katie Lane Definitive Subdivision/Taylor Lane, LLC/510 Newburyport Turnpike

The applicant has requested a continuance to the December meeting. The Board votes 4-0 to continue the hearing to December 14, 2022.

### **Other Business**

Update Pertaining to Site Inspection/Rowley Solar Facility/623 Wethersfield Street

Baker gave a review as a result of the 10/31/22 site visit made by Brent Baeslack, the Conservation Agent, Planning Board consultant, Larry Graham and Town Planner, Kirk Baker. He notes also present at the site visit were Denis Hamel (contractor) was present on behalf of Powerfund and Mike Seakamp (Wetlands Consultant) was present on behalf of the Property owner.

Graham wrote a report, stating grass starting to take hold, basin area near Kassiotis' property coming in well. Baker showed the Board pictures taken by Baeslack. The Board agreed the area at the driveway entrance could use further work. Screening trees that have died (Frasier firs) need to be replaced with the type that thrived in the spring. At that time, applicant will ask the Board to issue a final approval contingent on correcting issues listed above. In lieu of escrow, they would like to post a bond. Baker anticipates a letter from applicant in the next month. Jaquith suggested waiting until the letter request is received before adding the case to the agenda.

Discussion/46 Leslie Road Animal Hospital/Current Compliance with 1987 Special Permit

Baker discussed the original site plan regarding the driveway and parking spaces. An abutter brought the item to the Board's attention. The Board could amend the approval to remove the condition of having a gravel driveway. Danielle and Matt DeBoot were present as the current owners. She stated driveway was very unsafe with uneven gravel and rotted railroad tie stops, which froze and was very slick in the winter. There have been clients falling in the past. As new owners, they were not aware of this condition when they paved the parking lot. This has not yet been brought to the Conservation Commission, per Haag, who is also on that Board. DeBoot described the paving that occurred and presented a letter from the paving company. The driveway was paved previously and they paved the parking spaces. The Board discussed the original condition and noted that the Conservation Commission has the option to approve the paving without the Planning Board intervening. The Board suggested they address the matter with the Conservation Commission.

#### Informal Discussion on 165 Newburyport Turnpike Prospective Uses

Tim Barry/Barry Realty Group, representing the Seller, was present to discuss concepts for the property the town may want to review. The issue, per Thornton, is the watershed right behind the property. The double wall fiberglass tanks are not currently permitted by town ordinance. The Board proposed to allow it years ago. It would require the by-law be amended to allow the tanks in the watershed area.

Barry stated the DEP approved underground in a vault or above ground tanks and there have been many positive changes to the requirements of underground tanks and how they are constructed. Danny Jung was present, owner of numerous gas stations in the state. He shared his knowledge of double wall tanks which are also vaulted. DEP rules and regs changed a long time ago. Jung explained how the very updated procedure works. There was much discussion on the town Water Board, who would be the one to convince that the underground storage tanks are safe as they would be the Board most objective to them. Thornton suggested gathering pertinent proponents, such as the petroleum people and the tank representatives, and request a discussion with the town Water Department. Thornton explained that in order to change the ordinance, there would have to be a zoning review and a town meeting vote. A gas station with amenities would be a project the Board would work with them on. Barry stated the last test on the property showed it is clear from contamination. If it was damaged, it would have been done long ago, and it didn't do anything to the water. New info on the clean-up would also be helpful to give to the Water Board.

There is interest in developing the property without a gas station. Barry wanted to also discuss an alternate scenario using building space (8,800 square feet) and having a coffee house type of business. The Board points out that currently no drive throughs are allowed either. It is possible a drive-through is grandfathered in for this location.

The Board encouraged them to talk to the Water Board soon to propose an amendment to the ordinance. Moriarty stated it would be helpful to be very up front when presenting their campaigns. Residents very much want a gas station in that location. Much discussion continued on the topic.

Moriarty suggested an informal site visit with the Water Board as a starter. Jaquith suggested an informal meeting with the Planning, Conservation Commission and the Water Board. The Planning Board offered they could be supportive of these uses but not without the developer being the lead driving force for the project especially when it comes to the town meeting.

**Adjournment**

Motion to adjourn meeting made by Thornton and seconded by Haag. All voted in favor (4-0).

Meeting was adjourned at 8:45 p.m.